

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion, Notice of Opportunity to be Heard, and Order to Show Cause Regarding the Operations and Practices of Brenda Mason-Saunders, an individual Doing Business as A Car 4 Kids.

Investigation 14-08-021
(Filed August 28, 2014)

**DECISION REVOKING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

Summary

On September 3, 2014, on its own motion, the California Public Utilities Commission (Commission) issued an Order Instituting Investigation (OII) into the operations of Brenda Mason-Saunders, an individual doing business as A Car 4 Kids (Respondent). The OII, issued pursuant to Public Utilities Code §§ 2113 and 1033.5(a)¹, provided Respondent a Notice of Opportunity to be Heard and ordered her to show cause, if any, why she should not be found to have violated various provisions of the California Public Utilities Code (Pub. Util. Code), and failing to comply with Decision (D.) 97-07-063,

¹ Among other things, Pub. Util. Code § 1033.5(a) provides that: "... the Commission may, at any time for good cause, suspend an operating right ... and, upon notice to the holder and opportunity to be heard, revoke, alter, or amend the operating right or certificate."

D.04-04-008, and any other Commission order, decision, regulation, requirement, and/or California statute.

Today's decision finds that Respondent failed to comply with D.97-07-063, D.04-04-008 and violated Pub. Util. Code §§ 1032(b)(1) and (c), and therefore revokes Respondent's certificate of public convenience and necessity pursuant to Pub. Util. Code § 1033.5 (a).

1. Background

The California Public Utilities Commission (Commission) regulates the operations of passenger stage corporations (PSCs) pursuant to Pub. Util. Code § 216, and charter-party carriers (TCPs) pursuant to Pub. Util. Code § 5381. Individuals and corporations interested in obtaining a Certificate of Public Convenience and Necessity (CPCN) from this Commission must submit an application and meet all applicable licensing requirements. (§ 1031, et seq., and § 5371, et seq.)² Once issued, a CPCN remains in full force, as does the duty to serve the public, until further order of the Commission. PSCs and TCPs involved in transporting children for non-medical purposes and compensation are required to enroll in the Department of Justice Trustline program and undergo background checks. Carriers are required to use Trustline to conduct criminal background reviews of all drivers and employees who come into contact with children. As part of the background check, such reviews must

² Pub. Util. Code § 1031 (a) states: "No passenger stage corporation shall operate or cause to be operated any passenger stage over any public highway in this state without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation..."

include fingerprinting. These records are to be maintained for a period of three years pursuant to Commission General Order 158-A, Part 6.01.

Brenda Mason-Saunders, an individual doing business as A Car 4 Kids (Respondent) filed Application 03-06-037 on June 30, 2003, for authority to operate and transport children as a scheduled and on-call PSC.

D.04-04-008 granted the application of Respondent to operate as a PSC. Ordering Paragraph No. 2(j) of D.04-04-008 orders Respondent to comply with the "Adopted Rules for Infant and Children Common Carriers" contained in Appendix A of D.97-07-063. D.97-07-063 requires all carriers, their key personnel, and employees who have physical contact with the children being transported to complete a background check through the Trustline program. In September of 2006, Saunders also obtained a TCP.

On December 13, 2012, the Commission's Safety and Enforcement Division (SED) received a letter from the Trustline program stating that Respondent's status with Trustline had been terminated since June 22, 2009, due to either a withdrawal of Respondent's application or because of a decision reached by the Community Care Licensing Division of the California Department of Social Services (CDSS). SED received a copy of the Decision and Order from CDSS revoking Respondent's license to operate as a family child care facility. The decision states that Respondent is excluded from all care facilities licensed by CDSS for the remainder of her life. The decision to revoke Respondent's authority arose from an investigation by the Deputy Director of the Community Care Licensing Division of the CDSS.

SED contacted CDSS regarding the investigation that led to the revocation of Respondent's license. CDSS stated that Respondent had violated various statutes and regulations regarding transporting children, along with other

statutory violations. An investigation conducted by SED determined that Respondent's account with the Trustline program was closed on June 22, 2009, indicating that she is no longer conducting background checks of herself as she is the only driver for non-medical transportation of children for the PSC and TCP.

Notice of a Prehearing Conference (PHC) in this proceeding was provided both electronically and by U.S. mail. A PHC was held on January 15, 2015. Respondent failed to appear at the PHC and did not contact the Commission either prior or subsequent to the scheduled PHC. Therefore, consistent with Ordering Paragraph No. 4 of the September 3, 2014 OII, we deem the allegations admitted and find Respondent failed to comply with D 97-07-063, D.04-04-008 and violated Pub. Util. Code §§ 1032(b)(1) and (c). In light of these findings, we revoke Respondent's CPCN pursuant to Pub. Util. Code § 1033.5 (a).

2. Assignment of Proceeding

Michael Picker is the assigned Commissioner and Darwin E. Farrar is the assigned ALJ in this proceeding.

Findings of Fact

1. The September 3, 2014 OII informed Respondent that failure to appear would result in the allegations in the OII being deemed admitted.
2. Respondent failed to appear at the duly notice January 15, 2015 PHC.
3. Respondent did not contact the Commission either prior or subsequent to the scheduled PHC.
4. Respondent has violated the Commission order in D.97-07-063 and D.04-04-008.

Conclusions of Law

1. Respondent was provided an opportunity to be heard as required by Pub. Util. Code § 1033.5(a)
2. Respondent was provided legally sufficient notice of the opportunity to be heard.
3. The allegations in the September 3, 2014 OII are deemed admitted.
4. Respondent's TCP and PCS permits and/or certificates are void, absent a related CPCN.

O R D E R

IT IS ORDERED that:

1. Brenda Mason-Saunder dba A Car 4 Kids' certificate of public convenience and necessity is revoked pursuant to Public Utilities Code Section 1033.5(a).
2. Investigation 14-08-021 is closed.

This order is effective today.

Dated _____, at San Francisco, California.